IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1234 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/06/2004 in WP NO : 9928 OF 1994 on the file of the High Court.)

Between:

1 M/s.Anwar Brothers, rep.by its proprietor, Mohd. Moulana Hussain, S/o.Mohammed Hussain, R/o.19-2-227/4, Bahadurpura, Hyderabad.
2 M/s.Viquar Brothers, rep.by its Prop. Mohd.Farooq Hussain, S/o.Mohammed Hussain, Bahadurpura, Hyderabad.
3 Brothers Enterprises, rep.by its M.D., Mohd. Farooq Hussain, S/o.Mohammed Hussain, R/o.20-6-361/1, Shah Alibanda, Hyderabad.

..... APPELLANT(S)

AND

Andhra Pradesh State Road Transport Corporation represented by its Managing Director, Musheerabad, Hyderabad.

…..Respondent

Counsel for the Appellants: MR.B.NALIN KUMAR

Counsel for the Respondent: MR.Y.VIVEKANANDA SWAMY

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

We have heard the learned counsel for the parties and gone through the order of the learned single judge.

The learned single judge has dismissed the writ petition on the ground that the dispute raised is only in the realm of contract entered into by the appellant in Private Law and the Public Law remedy has no application.

The appellant/petitioner having entered into Contract and having taken benefit under the Contract, cannot invoke the writ jurisdiction questioning the legality and validity of the terms of the Contract.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 1st September, 2004

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C.V.RAMULU,J

pnb

To

1. The Managing Director, A.P. State Road Transport Corporation,

Musheerabad, Hyderabad.

2 Two C.D. copies